

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF NORTH CAROLINA**

United States of America,

Plaintiff;

v.

Terry Johnson, in his official capacity as  
Alamance County Sheriff,

Defendant.

No. 12-cv-1349

**UNITED STATES' MOTION FOR  
SUMMARY JUDGMENT**

# **Exhibit 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil No. 1:12CV1349

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
TERRY S. JOHNSON, in his )  
official capacity as ALAMANCE )  
COUNTY SHERIFF, )  
 )  
Defendant. )

**ORIGINAL**

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**DEPOSITION**

**OF**

**TIMOTHY JEROME BRITT**

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Greensboro, North Carolina  
October 3, 2013  
9:23 a.m.

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Reported by:  
Rebecca P. Scott

**Margaret M. Powell, CVR-M**  
**(919) 779-0322**

1 15 or 20 from another county. So you have that  
2 group of folks.

3 So I've never done a study of race because  
4 these people got here by judicial review or being  
5 held for the federal government or being held for  
6 the State. I looked at counts and numbers and  
7 they're in here charged. Race didn't play into  
8 it. And you asked me about the jail.

9 Q. Okay. Do you have any access to any reports that  
10 show which law enforcement agency booked a person  
11 into the jail?

12 A. I do.

13 Q. Okay. Have you ever done any analysis of the race  
14 or ethnicity of the people who are booked in by  
15 the Alamance County Sheriff's Office for any  
16 purpose?

17 A. Well, I've looked at traffic stop reports, and  
18 then I've looked at arrests, but I have not done  
19 an analysis of race brought in by other agencies,  
20 no.

21 Q. But just people brought in by the Alamance County  
22 Sheriff's Office, have you ever looked at the race  
23 or ethnicity of those people and done any analysis  
24 of that information?

25 A. Well, certainly since complaints and you guys have

1 got involved, I have looked at numbers, and I  
2 hadn't seen anything that had any concern.

3 Q. When you say you looked at numbers, what did you  
4 do?

5 A. I have the ability to look and see who is in jail,  
6 who brought in who. You asked me about other  
7 agencies. You said other agencies compared to  
8 other agencies.

9 Q. No. I'm sorry. Maybe I'm not being clear. I'm  
10 asking just about individuals who are brought to  
11 the jail by the Alamance County Sheriff's Office.

12 A. Okay.

13 Q. Have you ever looked at the race or ethnicity of  
14 those people and done any analysis of that  
15 information?

16 A. I think we're hanging on analysis. I've looked at  
17 it to see if there was anything that jumped out at  
18 you, anything that looked out of place comparative  
19 to our community, no. As far as analysis with  
20 percentages, I have not.

21 Q. You've just looked at to see if anything stood out  
22 to you in looking at it?

23 A. Yes. Yes.

24 Q. Did anything stand out to you?

25 A. No.

1 Q. What would stand out to you? What were you  
2 looking for?

3 A. I wasn't looking really for anything other than  
4 you asked me have I ever looked at it, and I said  
5 yes, I've looked at it. Nothing stood out to me.  
6 I didn't go in this on a search or a mission to  
7 find something.

8 Q. Okay. Is it the policy of the Alamance County  
9 Sheriff's Office that all arrestees who are  
10 brought to the Alamance County Jail should be  
11 fingerprinted, photographed, and booked into the  
12 jail?

13 A. If a person is arrested by the Alamance County  
14 Sheriff's Office - they are arrested - physically  
15 arrested - yes, we photograph and fingerprint  
16 those persons. Not all persons brought to the  
17 jail. I think you asked me all.

18 If Burlington or Graham, Highway Patrol, or  
19 any plethora of federal agencies or state  
20 agencies - they're responsible for their own  
21 printing and photographing. We're doing those  
22 that we arrest.

23 Now if an outside agency brings somebody to  
24 the jail, that means they have went before the  
25 judge. A judge has set a bond and they have been

1 size of a roll of quarters, maybe about this long  
2 (indicating), just a little bit longer than the  
3 average hand, and it has a corresponding  
4 electronic device in the end of it, and those  
5 officers are assigned that.

6 So when they make their rounds, they actually  
7 would physically go around and will touch that  
8 wand to that spot, and those spots are placed  
9 throughout the jail for rounds. Particularly like  
10 in the segregated area for medical or suicide or  
11 something like that where we're checking them  
12 every 15 minutes, they're - they have to  
13 physically go in that cell and touch that spot.  
14 That lets us know they've been in, they've  
15 checked.

16 Same difference with the officers who are  
17 assigned rounds, you have officers who are  
18 assigned in the kitchen. So you evaluate them by  
19 their ability to make sure they're meeting their  
20 rounds. That is reviewed daily by supervisors.  
21 They're doing their job. They're interacting  
22 well.

23 Q. Okay. Are there any evaluations of officers who  
24 work in the Detention Center?

25 A. Yes.

1 Q. When did those start?

2 A. There was a time - the County used to have a  
3 pay-for-performance system, and you evaluated  
4 every year, and then based on those evaluations,  
5 the County - an employee could receive up to a two  
6 and a half, three percent raise just on  
7 performance. At one time it may have been as much  
8 as five. It varied. So those were done and were  
9 maintained by the County. The County had the  
10 software.

11 So due to budget constraints and all those  
12 type things you guys understand, sometime ago the  
13 County did away with those - stopped that program.  
14 So there was a period of time of a couple to three  
15 years where we didn't have that form. One of our  
16 officers went to the FBI National Academy, and as  
17 all good officers do, he was able to work and  
18 interact with some of those guys up there and  
19 developed a new evaluation form, which we provided  
20 to you, and that's what we've restarted using.

21 THE WITNESS: I'm assuming I need my  
22 glasses now?

23 MR. SONGER: Unfortunately I think so.

24 Q. Chief Britt, I've just handed you what the court  
25 reporter has marked Exhibit Number 1. This

1 appears to be an e-mail from Alan Miles to a  
2 number of other people dated January 10th, 2013,  
3 is that correct?

4 (Deposition Exhibit Number 1 was marked  
5 for identification.)

6 A. Yes, you're correct. Can I have time to review  
7 the whole thing if you're going to ask me  
8 questions?

9 Q. Please take as much time as you want to review it.

10 A. Okay. (Witness reviews document.) Okay.

11 Q. It's correct this is an e-mail sent from Alan  
12 Miles in January of 2013?

13 A. That's what it appears to be.

14 Q. Okay. And the first sentence of his e-mail  
15 states, "Starting January 2013, we need to start  
16 doing employee evaluations," is that right?

17 A. Yes, sir.

18 Q. So is it correct that prior to January 2013, there  
19 were not employee evaluations at the Detention  
20 Center?

21 A. Yes. We were not using the form, but there was a  
22 period before that - like I testified, there was a  
23 time period in there - and it was maybe two or  
24 three years - that the County ended their program  
25 and we went back to one.

1 Q. Okay. But for two or three years prior to January  
2 2013, there were no evaluations of Detention  
3 Center employees?

4 A. As far as a written form, no.

5 Q. Focusing now on the Operations side of the  
6 Sheriff's Office, that includes the patrol  
7 operations, right?

8 A. Yes, sir.

9 Q. What are the main objectives of the Patrol?

10 A. The Patrol Division, to be out, to be responsive  
11 to calls, to serve the public, calls for  
12 assistance. Also during the course of that,  
13 they're patrolling. They're keeping a check on  
14 businesses, residences, looking after the general  
15 welfare of our public, interacting with the  
16 public. They are assigned patrol zones and  
17 enforce the laws of the State of North Carolina  
18 and not necessarily in that order.

19 Q. What guidance do you give patrol officers at the  
20 Sheriff's Office about what they should  
21 prioritize?

22 A. The priority first and foremost is to serve the  
23 public, absolute. They need to be responsive.  
24 It's kind of this is all of what we need and this  
25 is what we need you to do. I mean you may very

1 of the lieutenants or Major Brown, I have seen. I  
2 haven't seen any officers. The officer doesn't  
3 have the ability to go in and do anything with  
4 that tape.

5 Q. How often have you seen a supervisor reviewing  
6 video of a traffic stop?

7 A. I have no idea. Mostly - I've seen a few. I  
8 don't know.

9 Q. Five times? Ten times?

10 A. In the dozens. I don't know.

11 Q. Is there any guidance given to supervisors about  
12 when they should review video of a stop?

13 A. There again, that would be something that would be  
14 handled by the captain and the major of that  
15 division. I don't know. I'm not aware.

16 Q. There is no, you know, written or unwritten policy  
17 at the Sheriff's Office about when supervisors  
18 should review stops?

19 A. No.

20 MR. KITCHEN: Objection.

21 Q. Other than review of video of the stops, is there  
22 any other - any other review that takes place to  
23 assess whether there was a legal justification for  
24 a stop?

25 A. Once again, there are citations, arrests. Those

1 are reviewed by the magistrate when they bring the  
2 charges in. They are then reviewed by the judge.  
3 The DA works with the cases. I speak with him  
4 regularly. You know, you would hear about problem  
5 cases.

6 Q. But is there any internal review by the Sheriff's  
7 Office of the legal justification for the stops?

8 A. As I said earlier, I do know that some supervisors  
9 look at them. I know that - that I have seen. I  
10 know that the major looks at them. That's my  
11 answer.

12 Q. When we say "looks at them," what do you mean?

13 A. Looks at the stops on the video.

14 Q. At the video. Okay. Other than the video, is  
15 there any internal review done by anyone at the  
16 Sheriff's Office of the legal justification for  
17 stops?

18 A. Well, supervisors show up on traffic stops. I  
19 don't know how other - my answer would be, I don't  
20 know how there would be any other review.

21 Q. Okay. There is no review of any, like, documents  
22 to assess whether a stop was justified?

23 A. I don't know how a document would tell you it's  
24 justified or not. All the traffic stops have a  
25 purpose for the stop: moving violation,

1           investigative stop, speeding, impaired offense. I  
2           mean that would show that. I don't know how a  
3           piece of paper would tell you anything, so no.

4       Q.    Okay. Does anyone at the Sheriff's Office ever  
5           sample a number of traffic stop reports and follow  
6           up with the officers to ask them about the stops?

7       A.    No, there's no sampling and following up. But,  
8           there again, I don't understand how a piece of  
9           paper would tell you what the justification was.

10      Q.    Okay. Are you aware of - during your entire time  
11           at the Sheriff's Office, are you aware of a single  
12           stop that wasn't justified by reasonable  
13           suspicion?

14      A.    Am I aware of one?

15      Q.    Yes.

16      A.    No.

17      Q.    Are you familiar with an incident where Assistant  
18           United States Attorney Arnold Husser declined a  
19           prosecution based on his concerns about the  
20           underlying stop by an ACSO officer?

21      A.    No, I'm not aware of it.

22      Q.    Are you aware that federal prosecutors declined a  
23           case based on concerns about a stop made by Jim  
24           Conklin?

25      A.    Not aware of it. I don't know anything about it.

1 supervising their cases. He's supervising their  
2 caseload, their cases. He's signing off on all  
3 their reports.

4 Q. During your career at the Sheriff's Office, has  
5 any supervisor ever told you about any arrest that  
6 was made that might not have been justified by  
7 probable cause?

8 A. No.

9 Q. Did that cause you to do any follow-up  
10 investigations to see whether there might be any  
11 cases that were - that might have issues of  
12 probable cause?

13 A. I'm sorry. That didn't make sense to me. You  
14 asked me and I said no, and then you said did that  
15 cause me to do what?

16 Q. Sure. It didn't make sense to me either. It was  
17 a bad question.

18 You said no one has ever reported up to you  
19 that there was an arrest that might have an issue  
20 with probable cause, is that right?

21 A. That's correct.

22 Q. Okay. Does that cause you any concern, you know,  
23 about the adequacy of catching any problems with  
24 arrests that might exist?

25 A. Well, that's assuming that there are problems. I

1 think we have a well-trained staff that do a very  
2 good job with---

3 Q. Okay. So your assumption is there have not been  
4 any arrests during your time at the Sheriff's  
5 Office that were not justified by probable cause?

6 A. Not aware of any.

7 Q. Okay. And you haven't taken any additional steps  
8 to find out?

9 A. To find out - to go find something that's not  
10 there? If nobody has reported to me, why would I  
11 go hunt for something they said that there's not a  
12 problem?

13 Q. Okay. And the only way you would find out about  
14 a questionable arrest would be if one of the  
15 front-line supervisors reported it to you?

16 A. Front-line supervisors, magistrate who reviews the  
17 case when they're arrested, who finds probable  
18 cause. Any arrest made has to be carried before a  
19 judicial official who reviews the probable cause  
20 and grounds for the arrest. They will then find  
21 probable cause and put them - do the release order  
22 on them. If the magistrate were to not find  
23 probable cause, they would then release them.

24 If it's a misdemeanor, then it would go to  
25 District Court where it would be reviewed and

1 adjudicated by a District Court Judge. If it was  
2 a felony, it goes through a whole another - a  
3 probable cause here, grand jury, and subsequently  
4 a trial and a jury. All of those are reviews of  
5 probable cause on all arrests - not only by us,  
6 but outside of us through judicial review. So  
7 that is one area. A supervisor is another area.

8 Q. Does the Sheriff's Office have any system of  
9 tracking cases where there is a judicial  
10 determination that there was not probable cause?

11 A. I'm not aware of any. If we did have one, we  
12 would find out - I mean we would certainly look  
13 into it. I would look into it.

14 Q. Okay. Has anyone at the Sheriff's Office  
15 conducted any analysis of traffic stops to  
16 evaluate whether racial profiling is occurring?

17 A. I have not done the statistical analysis, no.

18 Q. Are you aware of anyone at the Sheriff's Office  
19 who has done any analysis to evaluate whether  
20 deputies are engaged in racial profiling?

21 A. No. Other than just the review every month and  
22 looking at the raw numbers and data. I think it  
23 would be obvious if you had a problem. I don't  
24 see no problem.

25 Q. Okay. Nothing has jumped out at you when you're

1 reviewed the monthly reports?

2 A. No, huh-uh.

3 Q. But other than just sort of looking over those  
4 reports, you haven't done any other analysis of  
5 whether racial profiling is occurring?

6 A. No.

7 Q. You mentioned - we talked a little bit briefly  
8 earlier about the Laura Roselle kerfuffle, for  
9 lack of a better word?

10 A. A what?

11 MR. SONGER: The court reporter looks  
12 like she's going to kill me for making her  
13 spell that.

14 Q. But one of the things that Laura Roselle alleged  
15 was that there were racial disparities in stops,  
16 is that right? Do you remember that?

17 A. That there were racial disparities in the stops?

18 Q. That there were patterns in the traffic stops by  
19 the Sheriff's Office that suggested that Hispanics  
20 were being disproportionately stopped. Do you  
21 remember her alleging that?

22 A. My recollection was that she went and counted  
23 citations and then said that we were  
24 underreporting our stops. She has said that there  
25 as much as she could, as often she could since all

1       lieutenants, captains, majors, myself - myself  
2       most of the time.

3       Q.   Okay. And you said you sometimes lead that  
4       meeting, is that right?

5       A.   If I'm there, I'll get it started, yes, sir.

6       Q.   Is that monthly staff meeting a means of  
7       communicating priorities and expectations from  
8       supervisors through the ranks?

9       A.   Certainly, and also an opportunity for those  
10      supervisors to speak with the command staff  
11      regarding any issues or something they may need in  
12      order to make their job better, so it's a two-way  
13      meeting.

14      Q.   It's a two-way conversation?

15      A.   Sure.

16      Q.   And there is an expectation that supervisors will  
17      pass information learned at the meetings to the  
18      deputies they supervise?

19      A.   Sure.

20      Q.   What is discussed at those meetings?

21      A.   Everything.

22      Q.   The baseball playoffs?

23      A.   Very well could be a topic before and after  
24      anyways. You know, anything that - there again,  
25      anything that came up, anything that needs to be

1 A. Yes.

2 Q. And how many total officers in the Sheriff's  
3 Office?

4 A. Total employees?

5 Q. Total employees.

6 A. We got cut a little bit this year. I think it's  
7 269 full-time.

8 Q. Do you think it's important for the diversity of a  
9 law enforcement agency to reflect the communities  
10 that it polices?

11 A. Sure.

12 Q. Is it a problem in your eyes that Alamance County  
13 Sheriff's Office only has five Hispanic officers  
14 out of 270 or so employees?

15 A. I think it was 269. No, I think we look for  
16 people that were willing to go out and serve their  
17 community, and we try to hire the most qualified,  
18 best people for the job.

19 Q. And you don't think it's a problem to only have  
20 five Hispanic officers?

21 A. I don't think it's a problem good or bad.

22 Q. I'm sorry. I don't know what that means.

23 A. Well, I mean I don't see it as a problem. You  
24 know, what we have is folks that have applied and  
25 do a good job, and we're always out wanting more

1 people, when we have an opening, to come in. But  
2 I don't know that you sit here and go how many  
3 men, how many women, how many black, how many  
4 white, how many Hispanic. What you're looking for  
5 is good people to serve the citizens of Alamance  
6 County.

7 I think it's great that we have five Hispanic  
8 officers. I think it would be great to have 265  
9 Hispanic officers as long as we had people that  
10 were willing to serve the community and serve it  
11 with pride, integrity, and dignity.

12 Q. Okay. So you're saying the number of Hispanic  
13 officers doesn't make any difference?

14 A. I don't think any group makes any difference.

15 Q. Has the Sheriff's office done any outreach  
16 specifically to try to attract Hispanic job  
17 applicants?

18 A. Well, the Sheriff's Office is a patronage job  
19 also. Nobody is hired. Everybody is appointed in  
20 four-year increments or when a sheriff changes.  
21 Every four years, you get resworn in. So you're  
22 not hired to begin with. But we do recruit, and  
23 pretty much exclusively through ACC through their  
24 BLET Program is where we look for our new  
25 applicants when we have a job.

1 But we don't have a great amount of turnover  
2 either, so it's not like we're out recruiting 20  
3 new cadets this year. Also, you're having to  
4 recruit people that have their certification, they  
5 already have - went through the training and hold  
6 their state certification in law enforcement  
7 training. So---

8 Q. Are you aware of any specific outreach the  
9 Sheriff's Office has done to attract applicants  
10 that are Hispanic?

11 A. No more than any other group.

12 Q. How would you describe the relationship between  
13 the Alamance County Sheriff's Office and the  
14 Hispanic community?

15 A. I think it would be fine. We have Hispanic folks  
16 come in every day, look for gun permits, get  
17 copies of reports, file - you know, file reports  
18 with us, ask for our assistance. I do think that  
19 probably it has been strained in the last three  
20 years, I think - you're asking my opinion - in  
21 large part because of you-all.

22 Q. And when you say "you-all," what do you mean?

23 A. The Department of Justice and some of these  
24 advocacy groups that have made allegations against  
25 our office and our officers who are out there

1 every day trying to do their job to protect all  
2 people and serve all people.

3 Q. Has the Sheriff's Office ever conducted any  
4 polling or other analysis to test the views of the  
5 Hispanic community about the Sheriff's Office?

6 A. No.

7 Q. Have you ever spoken at any Hispanic community  
8 groups?

9 A. Have I?

10 Q. Yes.

11 A. I've spoken - I've spoken at some church groups.  
12 I've actually spoken at a couple of church group -  
13 church functions that are - have some Hispanic  
14 folks there, but just a Hispanic group, no.

15 Q. If you'd look back, please. I think it's Exhibit  
16 5. It's an e-mail that you sent to Sheriff  
17 Johnson and a couple of other people in May of  
18 2011.

19 A. Was that the one - this it? I don't have a number  
20 on mine.

21 MR. KITCHEN: That's not - this is 5.

22 MR. SONGER: Okay. It's not Exhibit 5.

23 A. (continuing) Is it this? News and Record?

24 Q. It is attaching an article from the News and  
25 Record.

1 Office?

2 A. I don't - I know you want me to say maybe, but I  
3 don't have any specific recollection.

4 Q. Chief Britt, I've just handed you what the court  
5 reporter has marked as Exhibit 13. This is an  
6 e-mail from Randy Jones to you, Richard Longamore,  
7 Robert Wilborn, and some other address that I  
8 don't recognize, is that correct?

9 (Deposition Exhibit Number 13 was marked  
10 for identification.)

11 A. Yes, that's what it appears to say. That's what  
12 this paper says, yes.

13 Q. And it's dated June of 2012?

14 A. June 1st, yes.

15 Q. And the subject of this e-mail is, "Be on the  
16 Lookout for a Red 1951 Chevy," is that right?

17 A. That's what it says.

18 Q. If you look at the text of the e-mail on the first  
19 page, it says that "The Border Patrol is asking  
20 citizens to keep on the lookout for a red 1951  
21 Chevy that they suspect is being used to smuggle  
22 illegal immigrants across the border from Mexico,"  
23 is that right?

24 A. That's right.

25 Q. And then if you turn to the second page, the

1 picture is the top of an old Chevy with a Spanish  
2 road sign and a bunch of brown legs sticking out  
3 underneath the car, is that right?

4 A. I don't know what color the legs are. The  
5 Spanish - the word is in Spanish, but that looks  
6 like a stop sign from the United States. Yeah,  
7 that's what it's a picture of.

8 Q. Yeah. It's a stop sign with the word "alto" on  
9 it?

10 A. Yeah. The shape of a stop sign with the word  
11 "alto" on it, yes, which means stop.

12 Q. Right. So is this a joke about Mexicans trying to  
13 sneak into the United States underneath a car?

14 A. I don't know that it's Mexicans. All you see is  
15 legs. It says, "border patrol," and it says,  
16 "from Mexico," yeah. I mean it says, you know,  
17 "smuggling illegal immigrants across the border."  
18 Where are the immigrants from? Illegal - they  
19 could be from anywhere. It's a picture of a '56  
20 Chevy with legs out, yeah.

21 Q. It's coming from Mexico into the United States?

22 A. Well, I don't know that that's Mexico. I don't  
23 know where that's at.

24 Q. Well, that's what the text of the e-mail says,  
25 right?

1 A. Yeah. On the front, sure.

2 Q. Okay. So is this a joke about immigrants trying  
3 to sneak from Mexico into the United States?

4 A. Yeah. I mean you could perceive that as a joke  
5 about that, yes.

6 Q. And this was sent from Randy Jones. What is his  
7 position at the Sheriff's Office?

8 A. Public information officer.

9 Q. Thank you. So this was sent from the public  
10 information officer at the Sheriff's Office to  
11 several top members of the command staff,  
12 including yourself, right?

13 A. That's what this paper says, yes.

14 Q. Do you think this is an appropriate e-mail for  
15 command staff to exchange at the Sheriff's Office?

16 A. Well, it's probably not in the best taste.

17 Q. Was Randy Jones ever disciplined for sending this  
18 e-mail?

19 A. No, not that I know of.

20 Q. I've just handed you what the court reporter has  
21 marked Exhibit 14. Certainly take as much time as  
22 you'd like to read this, and then I'll ask you a  
23 couple of questions about it.

24 (Deposition Exhibit Number 14 was marked  
25 for identification.)

1 A. Okay.

2 Q. This is also an e-mail from Randy Jones to you,  
3 Robert Wilborn, Richard Longamore, and Shelton  
4 Brown, is that right?

5 A. That's what it appears to be, yes.

6 Q. Okay. And it's dated July 13th, 2012?

7 A. Yes, it is.

8 Q. And the title of the e-mail is "Slow Response,"  
9 and if you look at the third paragraph, it says a  
10 Mexican was struggling to stay afloat in the Rio  
11 Grande River because of a large backpack of drugs  
12 that was strapped to his back, and if the person  
13 didn't go get help, then the Mexican would drown,  
14 isn't that right?

15 A. Yeah, I think you reversed it. It says, "Along  
16 with him was a Mexican who was also struggling to  
17 stay afloat -" it doesn't say anything about the  
18 Rio Grande River - "because of a large backpack of  
19 drugs that was strapped to his back. If they  
20 didn't get help, they'd surely drown."

21 Q. I'm sorry. If you look at the first paragraph, it  
22 refers to the Rio Grande River, right?

23 A. Right. But I mean you told me to look at the  
24 third paragraph, and there wasn't nothing in there  
25 about Rio Grande.

1 Q. Sure. Okay. And then if you look at the last  
2 paragraph on the page, it says, "It's now 4:00  
3 p.m., both have drowned, and neither authority has  
4 responded. I'm starting to think I wasted two  
5 stamps."

6 So this is a joke about someone who let a  
7 Mexican drug dealer drown in the Rio Grande River  
8 essentially by not going for help, is that right?

9 A. Well, Sam Elliot, I think, is an actor or a cowboy  
10 actor, and I think it's letting a terrorist,  
11 extremist with guns and bombs and a drug dealer  
12 who is Mexican drown in the river. Sure.

13 Q. Is this an inappropriate e-mail to send among the  
14 top command staff at the Sheriff's Office?

15 A. I'm sure there are those who won't like it. I  
16 think it speaks to drug dealers and terrorists.

17 Q. Do you think it's okay to joke about letting  
18 Mexican drug dealers drown?

19 A. It's probably not good to joke about anybody  
20 dying.

21 Q. Was Randy Jones ever disciplined for sending this  
22 e-mail?

23 A. No, he wasn't.

24 Q. I just handed you what the court reporter has  
25 marked Exhibit 14 - 15 - I'm sorry - Exhibit 15.